

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2308 OF 2005
IN
SUIT NO.2166 OF 2005

Mr.Nipun Ishwardas Thakkar ..Plaintiff

Vs.

Ramcharitra R.Singh .. Defendants

Mr.Milind Sathe a/w G.D.Utangale for the plaintiff

Mr.A.P.Faribanda for the defendants

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

. By consent of the parties, the following order is passed:

. That the plaintiff is at liberty to carry out construction in respect of suit property in accordance with the agreement of sale executed in his favour by the defendants provided they deposit a sum of Rs.40 Lacs in the court within 2 weeks from today. The Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3

years and then renew the same from time to time till further orders of this court. On such deposit being made, plaintiffs will be at liberty to construct the property including the compound wall to safeguard the property. It is made clear that the construction has to be in accordance with the provisions of law and sanction plan. The learned counsel for the plaintiff however, gives an undertaking to this court that the construction on the property will be commenced on or before 1.1.06. If such construction is not commenced defendants will be at liberty to apply for necessary interim reliefs either for modification of this order or for further reliefs. In view of the aforesaid order, motion does not survive. Motion is disposed of accordingly.